SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY PUBLISHED BY AUTHORITY

Gangtok

Thursday 14th May, 2009

No. 144

IN THE HIGH COURT OF SIKKIM GANGTOK

No.07/JUDL/HCS

NOTIFICATION

Dated:-13.5.2009

In exercise of the powers conferred by Section 8 of the High Court of Judicature (Jurisdiction and Powers) Proclamation of 1955 as amended by the Adaptation of Sikkim Laws (No.1) order 1975 and all other powers enabling in this behalf, the High Court of Sikkim makes the following rules to amend the Sikkim High Court (Practice and Procedure) Rules, 1991.

1. Short Title and Commencement.

- (a) These Rules may be called the "Sikkim High Court" (Practice and Procedure) Amendment Rules, 2009.
- (b) These Rules shall come into force with immediate effect.

2 Insertion of sub-Rule (4) and sub-Rule (5) in Rule 3

In Rule 3, new sub-Rule (4) be inserted thereto after the existing sub-Rule (3) and new Sub-Rule (5) be inserted after the proposed sub-Rule (4) and be read as follows:-

- "(4) On receipt of the appeals, petitions, applications, written statements, affidavits or other documents sought to be presented in the High Court the Registry shall endorse therein the time, date, month and year of presentation and make a similar endorsement on the copy of the party.
- (5) All mentions shall be made only after presentation of the mention memo to the Registry in Form F10 provided in the Schedule appended to these Rules".

3 Amendment of Rule 5.

In Rule 5, at the end of the sentence beginning with the words "The original typed copy" in the existing sixth line and ending with the words "shall be filed in the Court" the following words be inserted and be read as:-

"The Registry while placing the matter before the Bench shall place the original copy along with the requisite number of duplicate copies for use of the Bench".

4 Renumbering the Rule 5 and insertion of new sub-Rule (2) in Rule 5

The existing Rule 5 be re-numbered as 5 (1) and a new sub-Rule (2) be inserted and be read as follows:-

"5 (2) All Appeals, Revisions, Review Petitions etc, shall be filed in the formats as prescribed in the Schedule".

5 Insertion of Rule 5B, 5C and 5D

After the existing Rule 5A, new Rules 5B, 5C and 5D be inserted and be read as follows:-

- "5B. Save as otherwise specifically provided under these Rules, all applications, petitions, etc shall be in the formats provided in the Schedule appended to these Rules.
- 5C All Writ Petitions/ Appeals/ Revisions/ Review shall contain a brief synopsis of the case followed by a list of dates/events and shall be paginated alphabetically as A, B, C, D etc.
- 5D. All Applications/ Writ Petitions/ Revisions/ Review/Cross-objections shall contain an index as per Form F11 provided in the Schedule appended to these Rules."
- * [The Forms prescribed in the Schedule are guidelines, the contents of which may be suitably modified as per requirement in each case.].

6 Amendment of Rule 24

In sub-Rule (3) of Rule 24, all words appearing after the word "annexures" shall be deleted.

7 Amendment of Rule 31

The words "An Oath Commissioner" be inserted in the deleted provision of sub-Rule (iv) of Rule 31.

8 Amendment of Rule 102

The following be inserted as sub-Rule (4) after the existing sub-Rule (3) of Rule 102:"(4) An application under Article 226 of the Constitution of India shall be in Form F1 as provided in the Schedule appended to these Rules."

*[The Form prescribed in the Schedule are guidelines, the contents of which may be suitably modified as per requirement in each case].

9 The formats for filing of Writs/Appeals/Revision etc. shall be as provided in Appendix - 'B' to Appendix - 'L'

By order.

Meenakshi M. Rai, Registrar General

DISTRICT:

IN THE HIGH COURT OF SIKKIM AT GANGTOK (CIVIL EXTRA ORDINARY JURISDICTION) WP (C) NO. /20

To,	
	The Hon'ble Shri, the Chief
	Justice of the Hon'ble High Court of Sikkim and His Lordship's companion
	Justices of the said Hon'ble Court

IN THE MATTER OF:

An application under Article 226 of the Constitution of India for issuance of a writ of or in the nature of Mandamus/ Certiorari and/ or any other appropriate writ, order or direction of like nature.

-AND-

IN THE MATTER OF :

Enforcement of the petitioner's fundamental rights guaranteed under Part – III of the Constitution of India and also for enforcement of other legal rights of the petitioner.

-AND-

(Here describe the impugned order/action/policy/circular/
Decision etc
-AND-
IN THE MATTER OF:
Violation of provision of (state the provisions of law).
-AND-
IN THE MATTER OF :
Shri
Son of
Resident of P.S
Dist.
Petitioner(s)
-Versus-
1
2.
3.
Respondent(s).
The humble petition of the above named petitioner -

IN THE MATTER OF:

(Number the Paragraphs as Per requirement)

A copy of the
ed herewith and marked as
Annexure – 1.
A.
A copy of the
is annexed herewith and marked as
Annexure – 2.
A copy of the
7. Gopy Grand
is annexed herewith and marked as
Annexure – 3.
. 14

MOST RESPECTFULLY SHEWETH:

IN THE HIGH COURT OF SIKKIM GANGTOK.

AFFIDAVIT

I, Sr	i/Smt./Miss		_, S/W/D of
		, aged about	years,
resid	ent of	P.O.&P.S.	by
occu	pation	, do hereby solemnly affi	rm and state
as fo	llows :		
1)	That I am the petitione	r of the accompanying petition	and am well
	acquainted with the fac	cts and circumstances of the ca	ıse.
2)	That the statements	made in this affidavit and the	e paragraph
		of the petition are true to m	-
	that contents of para	to	are
		Is which I believe to be true and ions before this Hon'ble Court.	I the rest are
3)	That the annexure annexed to the petition are true copies of their respective originals.		pies of their
	I sign this affidavit on thi	s the	th day
of		20 at	
		•	
Identi	ified by me		
		DEPONE	NI
(Para	2 of the format of a	ffidavit may be modified to s	suit specific
requi	rements)		
÷	YER	IFICATION	
i, the	above named petitioner, I	nerein do hereby state and soler	mnly declare
that w	hat is stated in the petition	n in paragraph nosto	is on
inforn	nation and belief which I	believe to be true and nothing	material has
	concealed therefrom.	•	
Verific	ed and signed this Affidavi	t on this the da	ay
at Ga	ngtok, East Sikkim.		-40

Identified by me

DEPONENT

DISTRICT:

IN THE HIGH COURT OF SIKKIM AT GANGTOK (CRIMINAL APPEAL JURISDICTION)

Crl. A. /20

,			
The Hon'b	le Mr. Justice		, the Chie
Justice of	the Hon'ble High Court of Si	kkim and his Lord	Iship's Companior
Justices o	f the said Hon'ble Court.		
	IN THE MATTER OF:		
	An application under Sect	tion 374(2) of the	
	Criminal Procedure Code	, 1973.	
	- Al	ND-	
	IN THE MATTER OF :		,
	Judgment and Order date		
	learned Sessions Judge,		_ in Sessions Trial
	Case No	, convicting the a	ccused/. Appellant
	under Section	and se	ntenced to undergo
		with fi	ne of Rsand in
	default to suffer further		-
	- AN	ND -	
	IN THE MATTER OF :		

	-Versus	Accused(s)	/ Appellant(s)
		Responden	

The humble petition of the above-named

Accused(s)/ Appellant(s) -

MOST RESPECTFULLY SHEWETH:

(Number the paragraphs as	()	The appellant was convicted by the
per requirement)		
	()	The prosecution case in brief was that
	()	
	()	
	()	# # # # # # # # # # # # # # # # # # #
		appellant begs to prefer this appeal on amongst others the following
	grou	nds:-
		-: GROUNDS:-
	i)	For that
	ii)	For that
	iii)	For that
	iv)	For that in any view of the matter, the impugned Judgment of conviction
	•	and sentence is liable to be set aside.
		In the premises aforesaid, the accused-appellant respectfull
		prays that Your Lordships may be pleased to admit this appeal petition
		call for the records, issue notice calling upon the respondent to show
		cause as to why the impugned judgment and order dated
		passed by the learned Sessions Judge, passed in Session
		Case No

convicting and sentencing the accused-appellant under Section			
shall not be set aside and quashed and upon hearing the			
parties and on perusal of the records set aside the judgment and order			
dated passed by the learned Sessions Judge,			
in Session Case No, convicting and			
sentencing the accused-appellant under Section and or			
pass such further order/ orders as your Lordships may deem fit and			
proper: Pending final disposal of the appeal be pleased to suspend the			
sentence passed by the learned Sessions Judge, by			
its Judgment and Order datedU/S and			
the accused-appellant may be enlarged on bail.			

-AND -

For this act of kindness, the accused-appellant as in duty bound shall ever pray.

Appellant(s)

CERTIFICATE

Certified that the grounds as set for above are good grounds and I undertake to support them at the time of hearing.

ADVOCATE.

Enclosure:

 Vakalatnama - 1 No.
 Appeal Memo. - 1 No.
 Judgment of Sessions Court. - 1 No.

Total - 3

DISTRICT

IN THE HIGH COURT OF SIKKIM AT GANGTOK

	(CIVIL APPELLATE JURISDICTION)
	RFA NO/20
To,	
	The Hon'ble Mr. Justice,
	Chief Justice of the Hon'ble High Court of Sikkim and his Lordship's
	Companion Justice of the Hon'ble High Court.
	IN THE MATTER OF:
	An Appeal under Order XLI, Rules 1 and 2 of the Code of
	Civil Procedure, 1908.
	AND
	IN THE MATTER OF:
	Memorandum of Appeal against the Judgment dated
	and Decree dated passed by
	theinNo.
	*
	AND
	IN THE MATTER OF:
	1
	2
	3
	Plaintiff(s)/Appellant(s)

Versus

•	1
	2
	Defendant(s)/ Respondent(s).
Арр	eal valued at Rs. /-
Hum	ble appeal on behalf of the Appellants beg to state
FOL	LOWS :-
1. 1	That this is a First Appeal against the Judgment
c	datedand the Decree dated
(or the Judgment and decree dated)
ķ	passedbyinNoof
c	dismissing the suit filed by the plaintiff (if the appeal
i	s by defendants then to mention accordingly) and
c	ordering
2 1	That the brief facts and circumstances leading to filing of
t	his appeal are narrated hereunder:-
	Facts and circumstances are to be described here in
•	Serial Nos. like: (i), (ii), (iii) etc.)
Ì	
3. 1	That the appellants assail the impugned Judgment and
C	Decree dated(Annexure)
	nteralia on the following grounds

GROUNDS

in Andre VI		of objection as contemplated
in Order XI	LI, Rule 1 (2) and each ground sha	all be marked with serial nos
like (i), (ii) ,	(iii) etc.)	
That the a	ppellants have deposited advalo	prem Court fees amounting
to F	As	/- (Rupees
) as v	alued in the plaint in the
State Ban	nk of Sikkim vide Challan No.	dated
delay and	ppeal is within time (if not, the to file a separate application the Judgment and Decree are file.	for condonation of delay).
A-1 and A-		
	<u>PRAYERS</u>	
		nstances it is most humbly
		-
	In the facts and circun	nay be pleased to admit this
	In the facts and circum	nay be pleased to admit this
	In the facts and circum prayed that the Hon'ble Court in appeal; call for the records of from	nay be pleased to admit this No of 20 the Court of
	In the facts and circum prayed that the Hon'ble Court nappeal; call for the records of	nay be pleased to admit this No of 20 the Court of and after hearing the
	In the facts and circum prayed that the Hon'ble Court in appeal; call for the records of from Ld	nay be pleased to admit this No of 20 the Court of and after hearing the e records to kindly set aside
	In the facts and circum prayed that the Hon'ble Court in appeal; call for the records of from Ld parties and upon perusal of the	nay be pleased to admit this No of 20 the Court of and after hearing the e records to kindly set aside and to pass

AND

In the meantime to stay the operation of the impugned judgment and decree until final disposal of the appeal.

And for this act of kindness the plaintiffs/ appellants as in duty bound shall ever pray.

APPELLANT(S)

1.

2.

3.

CERTIFICATE

I, Shri./Smt./Ms.______, Advocate, do hereby certify that each of the grounds taken above are legal and valid and I undertake to support those at the time of hearing.

ADVOCATE

DISTRICT:		
		IN THE HIGH COURT OF SIKKIM AT GANGTOK
		(CIVIL APPELLATE JURISDICTION)
		Second Appeal arising out of the suit for
		Memorandum of Appeal from the Appellate Decree.
		RSA No/20
	To,	
		The Hon'ble Mr. Justice, the
		Chief Justice of the Hon'ble High Court of Sikkim and
		his Lordship's Companion Justices of the said Hon'ble Court.
		1.
		2.
		3.
		4.
		Appellant(s).
		Plaintiff(s).
		· ianuntoj.
		- Versus -
		1
		2.
		Defendant(s)
		Respondent(s)
		The appeal is valued at Rs (Rupees

_____) only as

in the plaint and advalorem Court fee Rs._____ has

been paid accordingly.

	ggrieved by and dissatisfied with the impugned
-	d and decree dated passed
-	in Title Appeal Noof
his/her Court	
	
-	
	the
appellant begs	to prefer this appeal on the following :-
SUBSTA	ANTIAL QUESTIONS OF LAW
A	
В.	
C	
n	
<i>D</i>	
2. That the	appeal is within time (if not to explain the delay
and file separate	application u/S 5 of the Limitation Act, 1963 for
condonation of t	he delay).
•	SIGNATURE
CERT	IFICATE
I, Sri/Smt.	,Advocate, for the
	that each of grounds / substantial questions
of law taken above are good g	-
the time of hearing.	
	·

LIST OF DOCUMENTS

1.	Memo of Appeal	•••	1.
2.	Certified copy of the Impugned		
	Judgment & Decree	•••	1.
3.	Copies of the Plaints, W/S.	•	2.
4.	Vakalatnama	•••	1.
		Total	5

	רסו	$\overline{}$		*	
U	IS1	ın	ĸ	Т	Ī

	IN THE HIGH COURT OF SIKKIM AT GANGTOK (CRIMINAL REVISIONAL JURISDICTION)
	Crl. Rev. P.No. /20
To,	
	The Hon'ble Shri, the Chief Justice of the Hon'ble High Court of Sikkim and His Lordship's Companion Justices of the said Hon'ble Court.
	IN THE MATTER OF :
	An application under Section 307 and 401 read with Section 482 of the Code of Criminal Procedure, 1973.
	-AND-
	IN THE MATTER OF:
	Order datedpassed by
	learneddismissing the Complaint Case No for default.
	the Complaint Case Nofor default.
	-AND-
	IN THE MATTER OF:
	CETITIONICO (A) (CONTRA INTANITA)
	PETITIONER(s)/COMPLAINANT(s)
	-Versus-

.....OPPOSITE PARTY(s)/ACCUSED(s)

20

MOST RESPECTFULLY SHEWETH:

1. That the Petitioner
2 That the Petitioner filed a complaint
3. That
•••••••••••••••••••••••••••••••••••••••
4. That being highly aggrieved by and dissatisfied with the order
dated petitioner begs to move this Petition
on, amongst others, the following:
GROUNDS
(1) For that
(II) For that
(III) For that
(IV) For that
That the impugned order was passed on Application for
certified copy thereof was filed on which
was made ready on in the Copying Section of the
District Courts and was received by the appellant on
Therefore the petition is within time (or if there is
delay, please explain the delay and also file a separate
application for condonation of delay u/S 5 of the
Limitation Act).
That this petition is made bonafide and for the ends of justice.
In the premises aforesaid, the humble Petitioner
prays that Your Lordships may be pleased to admit
this Petition, call for the records of the

case	and issu	e notice	callin	g upor	the
Respondent to	show	cause	as to	why	the
impugned orde	r dated_		ра	ssed by	y the
learned			should	not be	e set
aside and quashed	d and upo	n perusal	of the	records	and
hearing the partie	s, be plea	sed to se	et aside	and q	uash
impugned order	dated		_ pass	sed by	the
learned		_in		case	No.
		and/or	pass s	such fu	rther
or other order or o	rders as Y	our Lord	ships m	ay dee	m fit
and proper.	•				

For which act of kindness the Petitioner as in duty bound, shall ever pray.

Date & Place

Signature

IN THE HIGH COURT OF SIKKIM GANGTOK.

AFFIDAVIT

	I, Sri/Smt./Miss		, S/W/D of
	, aged	about	years, resident
of	P.O.&P.S	S	by
occu	pation, do here	by solemnly affir	m and state as
follov	ws:		
1)	That I am the revisionist of the acco	mpanying petitio	n and am well
	acquainted with the facts and circums	tances of the cas	e.
2)	That the statements made in paragraph	nto	of
	the petition are true to my know	ledge that con	tents of para
	to	are derived for	rom the records
	which I believe to be true, of the ca	ase and rest are	my respectful
	submissions before this Hon'ble Cour	t. '	
	And I sign this affidavit on this	the	th day of
	20 at	•	
		•	
	Identified by me		
		REVISION	IIST

^{* (}Para 2 of the format of affidavit may be modified to suit specific requirements)

FORM F-6.

IS.	TO	1	т.

(CIVIL APPELLATE JURISDICTION) MAC App. NO. / 20

(CIVIL APPELLATE JUNISDICTION)
MAC App. NO. / 20
•
The Hon'ble Shri, the Chief Justice of the Hon'ble
High Court of Sikkim and His Lordship's Companion Justices of the said Hon'ble Court.
IN THE MATTER OF:
An appeal u/s of the Motor Vehicles Act, 1988.
And
IN THE MATTER OF:
Judgment and award dated passed by the learned Member, Motor Accidents Claims Tribunal,
in MAC Case No directing the appellant-insurer to
pay Rsas compensation inclusive of no fault

award with interest @ ____per annum from _____ till payment.

AND

<u>IN</u>	THE MATTER OF :
	••••••

	Appellant(s)/insurer(s)
	- Versus-
1.	· ·
2	
3.	
4.	
_	Respondent(s)-Claimant(s)
5.	
	Respondent(s)
	Owner of vehicle No.
6.	
	Respondent(s)
	Owner of vehicle No.

		The appeal is valued at Rs.	being the amount
		awarded as compensation	before the learned Member,
		MACT,	for the purpose of jurisdiction
		and Court fee of Rs	is paid thereon.
	The H	lumble application of the ap	pellant above named MOST
	RESP	PECTFULLY SHEWETH:	
Insert number	()_		
of facts)			
	() <u> </u>	•	
•	() _		
	Being aggriev	red by and dissatisfied with th	e judgment and award dated
	pas	ssed by Mr/Ms/	Member, MACT,
	· in	MAC Case No.	in awarding a sum of Rs.
		_ inclusive of no fault award to	gether with % interest
		payment and directing the ap	
•	same to the claimant	s-respondents No to _	, the humble appellant-
	insurer of vehicle No.	begs to prefer th	is appeal before this Hon'ble
	Court on the following		
			•

GROUNDS

1. For that the impugned judgment and award is bad in law and is liable to be set aside;

	2.	For that	
	3.	For that	
	4.	For that	
	5.	For that at a	iny rate the impugned judgment and award is bad in law and
		is liable to b	pe set aside.
	6.	The appea	al is within time. (If not please explain delay and file a
		separate a	oplication u/S 5 of the Limitation Act, 1963 for Condonation
		of the delay).
			•
			SIGNATURE
			, , , , , , , , , , , , , , , , , , ,
		Certified tha	at the grounds set forth above are good grounds of appeal
		and I agree	to support them as and when called upon.
		_	
			<u>Advocate</u>
Enclo	osed:-		
1.	Memo	o of Appeal	
2.	Impu	gned Award	
3.	Photo	/Typed Copy	of judgment and award
4.	Cheq	ue/Money Re	ceipt for Rs.
5.	Vakal	atnama.	

5.

DISTRICT:		
IN THE HIG	H COURT OF SIKKIM AT	GANGTOK
(CIVIL EX	TRA ORDINARY JURISD	ICTION)
W	P(PIL) No/20)
То,		
The Hon'ble Mr.Jus	tice	, the Chief Justice of the
Hon'ble High Cour Hon'ble Court.	t of Sikkim and his Lordshi	p's Companion Justices of the said
I	N THE MATTER OF:	
,	A PIL relating to	
	AND	
I	N THE MATTER OF:	
-		
-		
		Petitioner(s)
•		
	-Versus-	
1	l	

...Respondent(s)

2.

The Petition on behalf of the petitioner abovenamed:-

MOST RESPECTFULLY SHEWETH:

1.	That the petitioner has preferred the instant Public Interest Litigate	ation			

2.	That the applicant				
3.	That the applicant further				
	•				
	•				
	SIGNA	TURE			
	(For remaining refer to form F.1. appended to the schedule).				

AFFIDAVIT

(Same as F-1)

	FURM F - 8
DISTI	RICT:
	IN THE HIGH COURT OF SIKKIM AT GANGTOK (JURISDICTION)
	CM Appl. No/20
	ln (22
	No/20
To,	
	The Hon'ble Mr. Justice, the Chief Justice of the Hon'ble High Court of Sikkim and his Lordship'sCompanion Justices of the said Hon'ble Court.
	in the matter of :
	An application under Section 5 of the Limitation Act, 1963, praying for condonation of delay of days in filing the instant
	-And-
	In the matter of:
	-And-
	In the matter of :
	Applicant(s)
	-Versus-
	1

The humble application of the applicant above named

.....Respondent(s).

MOST RESPECTFULLY SHEWETH:

1.	That the applicant having filed the above noted.					
2.	That					
3.	That					
4.	That					
5.	That this application is made bonafide and for the interest of justice.					
	1.					
	In the premises aforesaid, it is most respectfully prayed that this					
	Hon'ble Court may be graciously pleased to condone the delay					
	of days in filing the instant appeal and/or					
	pass such other order/orders as may deem fit and proper.					
A med do.						
And to	which the applicant as in duty bound shall ever pray.					

Signature(s)

<u> AFFIDAVIT</u>

(As in form F-1 subject to modification as per specific requirements).

NOTICE

(Under Rule 107 of the High Court of Sikkim (Practice & Procedure) Rules, 1991)

From	i"
	Mr/Ms,
	Advocate,
	High Court of Sikkim,
•	Gangtok.
To,	
	The Government Advocates/Central
	Govt. Counsel/Standing Counsel,
	High Court of Sikkim,
	Gangtok.
Sub:	An application under Articles 226/227 of the Constitution of India.
Sir,	
,	
	Please find herewith a copy of the above mentioned petition which is going to
be file	d before the Hon'ble High Court.
	Please acknowledge the receipt thereof.
	Todas asknowledge in crossipi mores.
	Yours faithfully,
	, , , , , , , , , , , , , , , , , , ,
	Advocate
Date & Place.	
Recei	ved by me.
Gover	rnment Advocate/ Central Govt. Counsel/Standing Counsel,
High (Court of Sikkim

IN THE HIGH COURT OF SIKKIM AT GANGTOK.

MEN	TION MEMO	
		Court No
1.	Case No	: Filing No :
2.	Nature of the Case	· •
3.	Name of parties	:
4.	Party seeking posting	:
5.	Advocate for the party	: 1
	Seeking posting	<u>, </u>
6.	Advocate for the other party	:
7.	Mention for	: Motion /Admission/Orders
8.	Reason for the mention	:
9.	Date on which posting is sought	:
10.	Date & Time of filing	:
11.	Date of last posting	:
Data	d Gangtok the	SIGNATURE OF ADVOCATE
	d Gangtok the	SIGNATURE OF ADVOCATE
	the	•
No	************	
Benc	h Section	
		. «
		Dy. Registrar (J)

By order

COURT READER

DISTRICT:	
IN THE HIGH COURT OF SIKKIM AT GANGTOK	
()	
IN THE MATTER OF:	
(Here insert the name/names of the petitioner and the address)	
Petitioner(s)/Appellant(s)/Applicant(s)	
-VS-	
(Here insert the name/names	
of the petitioner and the address)	

INDEX

SI. No.	Particulars	Annexure	Page Nos.
1.	Synopsis and list of Dates & Events		,
2.	Petition with affidavit	, ,	
3.	Certified copy of the impugned order/j Judgment/Notification/Action/Policy/ Circular/Decision dated		
4.	(Here describe the document(s)	· ·	
5.	Vakalatnama		

Filed by :

....Respondent(s)

Petitioner(s)/Appellant(s)/Applicant(s)
Through
(Name/address of the Advocate)

		9		

